### **Table of Contents**

| Exhibit | Document  | Page |
|---------|---|------|
| 1       | Mandatory Stand-Up Talk: All Employees (July 10, 2020)  | 3    |
| 2       | PowerPoint presentation, PMGs expectations and plans (July 2020)  | 6    |
| 3       | Letter from Thomas J. Marshall, General Counsel, USPS, to Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform, House of Representatives re: Operations (July 22, 2020)    | 13   |
| 4       | Letter from Thomas J. Marshall, General Counsel, USPS, to Gary C. Peters, Ranking Member, Committee on Homeland Security and Governmental Affairs, Senate (July 22, 2020)               | 17   |
| 5       | Letter from Thomas J. Marshall, General Counsel, USPS, to State Election Officials (End July 2020)  | 20   |
| 6       | USPS, Eastern Area AIM Meeting – Service Update (Aug. 4, 2020)  | 38   |
| 7       | Letter from David E. Williams, Chief Operating Officer, USPS, to Members of Congress (Aug. 6, 2020)   | 46   |
| 8       | Opening Remarks of Postmaster General Louis DeJoy at Board of Governors Meeting (Aug. 7, 2020)  | 50   |
| 9       | Letter from Thomas J. Marshall, General Counsel, USPS, to Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform, House of Representatives re: Election Mail (Aug. 11, 2020) | 56   |
| 10      | Letter from Thomas J. Marshall, General Counsel, USPS, to Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform, House of Representatives re: Operations (Aug. 11, 2020)    | 62   |
| 11      | USPS, Service Performance Measurement – PMG Briefing (Aug. 12, 2020)  | 66   |
| 12      | USPS, Pacific Area AIM Meeting Presentation (Aug. 13, 2020) (excerpts)  | 71   |
| 13      | Path Forward: PMG Addresses Restructuring (Aug. 13, 2020)   | 123  |
| 14      | Postmaster General Louis DeJoy Statement (Aug. 18, 2020)  | 126  |
| 15      | Letter from Steven W. Monteith Acting Chief Customer and Marketing Officer and Executive Vice President, USPS, to Mail Service Providers (Aug. 26, 2020)                                | 129  |
| 16      | USPS, Congressional Briefing: Transportation & Service Performance Updates (Aug. 31, 2020)  | 132  |
| 17      | USPS Office of Inspector General, Audit Report, <i>Processing Readiness for Election and Political Mail for the 2018 Midterm Elections</i> (June 5, 2018)                               | 145  |
| 18      | USPS Office of Inspector General, Audit Report, Service Performance of Election and Political Mail During the 2018 Midterm and Special Elections (Nov. 4, 2019)                         | 147  |
| 19      | USPS Office of Inspector General, Audit Report, <i>Processing Readiness of Election and Political Mail During the 2020 General Elections</i> (Aug. 31, 2020)                            | 149  |
| 20      | Declaration of Anthony J. Albence, State Elections Commissioner, Delaware Department of Elections   | 151  |
| 21      | Declaration of Karen Brinson Bell, Executive Director, North Carolina State Board of Elections  | 160  |
| 22      | Declaration of Seth Bluestein, Chief Deputy Commissioner, Office of Philadelphia (PA) City Commissioner Al Schmidt  | 169  |
| 23      | Declaration of Matthew Dunlap, Secretary of State, Maine  | 175  |
| 24      | Declaration of Jeffrey Erlbaum, Pennsylvania Resident   | 182  |
| 25      | Declaration of Thomas A. Freitag, Director, Board of Elections, Bucks County (PA)   | 186  |

### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 2 of 122

| Exhibit | Document  | Page |
|---------|---|------|
| 26      | Declaration of John Gibson, President, National Postal Mail Handlers Union Local 308  | 191  |
| 27      | Declaration of Clayton Haas, Deputy Director for Administration and Acting Chief Deputy,<br>California Department of Conservation | 196  |
| 28      | Declaration of Beverly Hudson, Deputy Secretary for Administration, Pennsylvania Department of General Services                   | 203  |
| 29      | Declaration of Linda Jara, Pennsylvania Resident  | 209  |
| 30      | Declaration of Jennifer Jones, Maine Resident   | 213  |
| 31      | Declaration of Gabriela Kejner, Chief of Staff, Office of the Secretary, Delaware Department of Health and Social Services        | 221  |
| 32      | Declaration of Kimberly Kirchmeyer, Director, California Department of Consumer Affairs   | 232  |
| 33      | Declaration of Stewart Knox, Undersecretary, California Labor and Workforce Development Agency                                    | 240  |
| 34      | Declaration of Carissa M. Mager, Administrative Officer, Criminal Unit, Pennsylvania Office of General Counsel                    | 246  |
| 35      | Declaration of Jonathan Marks, Deputy Secretary for Elections and Commissions, Pennsylvania Department of State                   | 250  |
| 36      | Declaration of Naomi Mayer, Maine Resident  | 260  |
| 37      | Declaration of Alice P. Miller, Executive Director, District of Columbia Board of Elections                                       | 267  |
| 38      | Declaration of Christine Ann Naccarato-O'Toole, Delaware Resident   | 273  |
| 39      | Declaration of Robert V. O'Brien, Executive Deputy Secretary, Pennsylvania Department of Labor & Industry                         | 278  |
| 40      | Declaration of Alex Padilla, Secretary of State, California   | 293  |
| 41      | Declaration of Jean Pallares, Pharmacy Director, Los Angeles County (CA) Department of Health Services                            | 311  |
| 42      | Declaration of Michelle Tassinari, Director & Legal Counsel, Elections Division, Secretary of the Commonwealth of Massachusetts   | 318  |
| 43      | Declaration of Melinda Utal, California Resident  | 325  |
| 44      | Declaration of Jill Weber, Maine Resident   | 344  |
| 45      | Declaration of D. Jordan Whichard, IV, Director of Intergovernmental Affairs, Office of the Governor, North Carolina              | 351  |
| 46      | Declaration of Vance Zimmerman, Director of Industrial Relations, American Postal Workers Union, AFL-CIO                          | 358  |

# EXHIBIT 1

## **Mandatory Stand-Up Talk: All Employees**July 10, 2020

### **Pivoting For Our Future**

- The Postal Service has a long history of service to the nation, and we take pride in our ability to deliver mail and packages efficiently, timely, and safely.
- Right now, we are at a critical juncture in our organization and must make immediate, lasting, and impactful changes in our operations and in our culture.
- This operational pivot is long overdue and today, we are talking about the first step in a
  journey we must take together, for the health and stability of the Postal Service.
- Every single employee will receive this information, no matter what job they perform, so remember that YOU are an integral part of the success we will have – again, by working together.
- The initial step in our pivot is targeted on transportation and the soaring costs we incur, due to late trips and extra trips, which costs the organization somewhere around \$200 million in added expenses.
- The shifts are simple, but they will be challenging, as we seek to change our culture and move away from past practices previously used.
- Specific examples of transportation changes being implemented immediately (today):
- ✓ All operations must meet our 24-hour clock commitment
- ✓ All trips will depart on time (Network, Plant and Delivery); late trips are no longer authorized or accepted
- Extra trips are no longer authorized or accepted
- ✓ There must be proper annotation in the scanner, if a Contractor Failure occurs
- ✓ All PVS/HCR drivers must be notified that trips depart on time.
- ✓ Function 4 must start on time and end on time and we must make scheduled DUT.
- ✓ Carriers must begin on time, leave for the street on time, and return on time.
- Carriers must make the final dispatch of value; no additional transportation will be authorized to dispatch mail to the Plant after the intended dispatch
- ✓ The right mail must go on the right truck every time
- ✓ ALL EMPLOYEES have an essential role with trips departing on time.
- One aspect of these changes that may be difficult for employees is that temporarily –
  we may see mail left behind or mail on the workroom floor or docks (in P&DCs), which is
  not typical.
- We will address root causes of these delays and adjust the very next day.
- Any mail left behind must be properly reported, and employees should ensure this action is taken with integrity and accuracy.

- As we adjust to the ongoing pivot, which will have a number of phases, we know that
  operations will begin to run more efficiently and that delayed mail volumes will soon
  shrink significantly.
- More information will be shared as we fully and swiftly implement these strategies.
- You play a direct role in the success of the Postal Service, and your cooperation and teamwork are appreciated.
- This is a critical time for us, when decisive, quick, and meaningful action is needed.
- This operational pivot will ensure we can secure our future as a world-class service provider, improving our performance to fulfill our core mission of service to our customers.
- · Thank you for your support and your teamwork.

# EXHIBIT 2



## PMGs expectations and plan

The new PMG is looking at COST. Making the USPS financially solvent which we are not at this time. Here are some of HIS expectations and they will be implemented in short order:

- \*POT will be eliminated. This is not cost effective and it will be taken away.
- \*Overtime will be eliminated. Again we are paying too much in OT and it is not cost effective and will soon taken off the table. More to come on this.
- \*The USPS will no longer use excessive cost to get the basic job done. If the plants run late they will keep the mail for the next day. If you get mail late and your carriers are gone and you cannot get the mail out without OT it will remain for the next day. It must be reported in CSDRS



\*SDO usage will be decreased dramatically. The POOMs and only the POOMs can authorize SDO. Any PM from this point on that uses and SDO on their own will have to answer for it. There is NO SDO USAGE WITHOUT THE POOMS APPROVAL.....PERIOD. If you are one of the many leaders that assist me and feel I will not mind, you are wrong. 100% follow up will taken for using and SDO without permission from me.

\*If we cannot deliver all the mail due to call offs or shortage of people and you have no other help, the mail will not go out and you will have to report this in CSDRS.

Exhibit 2



- \*All routes will have no more than 4 park points. We will be moving towards that this summer. Park points are abused, not cost effective and taken advantage of.
- \* DUOs are on the table again.
- \*All routes will not start before their DUT. So if you are getting the DUT up late because of the work staff, you will change the start times. The plants are not to send mail late. If the plants are not on time they will hold the mail for the next day. DUTs must be met or you will move your carriers to the DUT. This means we may have carriers starting as late as 0900 in some cases but will not start them any later.



\*The PMG stated some of the most influential people in the USPS are the DMs, AVPs and Corporate support. These are the people he will be looking at first for savings.

\*Level 18 offices that have a customer service window open more than 8 hours you will close for lunch to meet the 8 hour time. Once we get thru the 18s they will be looking at 20s and possibly some 21 offices for the same process. You all have the information so be timely on the submission on the signage and times you are proposing to close.

Exhibit 2



All detail, 204, OIC other non approved details will be discontinued. This is all of them. We have people in sales, call centers and so on, they will all be terminated and you will work your form 50 job. We will be filling all EAS vacancies so if you have a vacant job it needs posted and awarded. If you have a job being taken by someone on detail they will be coming back. ALL DETAILS will be terminated.



## Closing out.

These are some of the first wave of changes that will be coming to the USPS this year. Many of the changes are good and should have been done years ago. We all need to embrace these changes to keep the USPS in service. The PMG said this:

### We all must have a different mindset to keep the USPS alive.

He did not say to keep it going with some savings, these changes need to be done to keep the USPS alive. If you think we are beyond untouchable I will remind you of US Steel. In 1975 they were the largest company in the world. They are gone. GM has closed many plant including 2 in Ohio, Packard Electric...gone. Many if not all of these due to those companies not wanting to change and be profitable. You all must be apart of this. Things will change and we need stop thinking like we did decades ago.

Exhibit 2

## EXHIBIT 3

#### 

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT



July 22, 2020

The Honorable Carolyn B. Maloney Chairwoman Committee on Oversight and Reform House of Representatives Washington, DC 20515-6143

The Honorable Stephen F. Lynch Chairman Subcommittee on National Security House of Representatives Washington, DC 20515-2108 The Honorable Gerald E. Connolly Chairman Subcommittee on Government Operations House of Representatives Washington, DC 20515-4611

The Honorable Brenda Lawrence Committee on Oversight and Reform House of Representatives Washington, DC 20515-6143

Dear Chairwoman Maloney, Chairman Connolly, Chairman Lynch, and Congresswoman Lawrence:

This is in response to your letter of July 20, 2020, concerning two documents that were the subject of recent news articles, and about operational efforts being implemented by the U.S. Postal Service.

As information, please know that neither document referenced in your letter should be characterized as being "official Postal Service memoranda." Neither document originated from Postal Service Headquarters. The document entitled "PMG's Expectations and Plan" was prepared by a mid-level manager in one district, and the "stand-up talk" was prepared by Southern Area leadership and was distributed in the Southern Area. Therefore, the documents should not be treated as official statements of Postal Service policy.

The Postal Service is focused on our mission of binding the nation together and providing the American people with prompt, reliable, and efficient postal services. The importance of that basic and fundamental service has never been more evident than it is today. At the same time, our long-standing financial challenges are also obvious. The Postal Service must develop a viable operating model that ensures we can continue to fulfill our public service mission in a financially sustainable manner and remain a part of the country's critical infrastructure.

To address our financial challenges, management is developing a business plan to ensure that we will be financially stable and able to continue to provide reliable, affordable, safe and secure delivery of mail and packages to all Americans. This plan will be presented to and considered by the Board of Governors, and will include new and creative ways to fulfill our mission, and a focus on the strengths of the Postal Service to maximize our prospects for success. It will seek to take advantage of the tremendous opportunities available to us to strengthen the public service we provide, while also making changes needed to place the Postal Service in a financially healthy position. Once the Board has agreed to the plan, we would be happy to brief you or your staffs on the details.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV

www.usps.com

While we develop a broader business plan, Postal Service management is also taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards. By running operations on-time and on-schedule, we will be better positioned to continue to provide high-quality, reasonably-priced service to all people and businesses in the country.

These management efforts are fully consistent with our legal responsibilities—both to efficiently provide service and to be self-supporting. In this regard, the Postal Service is obligated by statute to provide prompt, reliable, and efficient service to the American people, in a self-sustaining manner. See, e.g., 39 U.S.C. §§ 403(a), 403(b)(1), 404(b), 3622(b), 3661(a). Fulfilling this mandate established by Congress necessarily requires that Postal Service management continually review our operational practices and make adjustments as necessary to ensure that we operate in an efficient and effective manner. As with any such management efforts, any temporary service impacts will be monitored and the root causes of any issues will be addressed as necessary and corrected as appropriate.

Taking steps to enhance operational efficiency and reduce costs is particularly important in today's environment, considering the Postal Service's dire financial condition. Indeed, as we have repeatedly noted to Congress for many years, one essential aspect of restoring the Postal Service to financial stability, in the face of declining mail volumes, is through management efforts to improve efficiency.

These efforts are clearly within the legal authority of the Postmaster General, pursuant to the delegation of authority in 39 C.F.R. § 3.5, and such delegation is authorized by law pursuant to 39 U.S.C. § 402. In this regard, the operational efforts at issue do not constitute service standard changes that require the involvement of our Board of Governors. Nor was there any reason to delay implementation until after the Board considers the broader plan which is being developed to address the Postal Service's business model challenges.

Please be assured that we are aware of our legal obligations to request an advisory opinion before implementing a "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" under 39 U.S.C. § 3661(b). None of the operational efforts discussed here constitute such a change. To the extent that Postal Service management develops proposals to make any such service changes within the scope of Section 3661(b), and our Board approves such proposals, we will make the appropriate requests to the Postal Regulatory Commission.

Finally, the Postal Service is committed to delivering Election Mail in a timely manner. We employ a robust and proven process to ensure proper handling of all Election Mail, including ballots, and we are committed to our role in the electoral process where public policy decision makers choose to utilize Election Mail as part of their election system. This includes close coordination and partnerships with election officials at the local and state levels.

As we anticipate that many voters may choose to use the mail to participate in the upcoming elections due to the impacts of the COVID-19 pandemic, we are conducting and will continue to proactively conduct outreach with state and local election officials and Secretaries of State so that they can make informed decisions and educate the public about what they can expect when using the mail to vote. As part of these outreach efforts, we discuss our delivery processes and consult with election officials about how they can design their mailings in a manner that comports with postal regulations, improves mailpiece visibility, and ensures efficient and cost-effective processing and delivery.

We are also continuing outreach to political party officials to educate and build confidence in the Postal Service's preparations for the expected surge in mail-in voting during the 2020 general election. We would be happy to brief you or your staffs regarding these outreach efforts if you are interested in further information.

We appreciate your ongoing interest in the Postal Service, and look forward to working with you to ensure that we will be sustainable and that we will remain able to continue to fulfill our universal service obligation for all people and businesses in America. If I can be of assistance in other postal matters, please let me know.

Sincerely,

Marshell

Exhibit 3

# EXHIBIT 4

#### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 22, 2020

The Honorable Gary C. Peters Ranking Member Committee on Homeland Security and Governmental Affairs United States Senate Washington, DC 20510-6250

Dear Senator Peters:

This is in response to your letter of July 17, 2020, concerning two documents that were the subject of recent news articles, and about operational efforts being implemented by the U.S. Postal Service.

As information, please know that neither document referenced in your letter should be characterized as being "official Postal Service memoranda." Neither document originated from Postal Service Headquarters. The document entitled "PMG's Expectations and Plan" was prepared by a mid-level manager in one district, and the "stand-up talk" was prepared by Southern Area leadership and was distributed in the Southern Area. Therefore, the documents should not be treated as official statements of Postal Service policy.

The Postal Service is focused on our mission of binding the nation together and providing the American people with prompt, reliable, and efficient postal services. The importance of that basic and fundamental service has never been more evident than it is today. At the same time, our long-standing financial challenges are also obvious. The Postal Service must develop a viable operating model that ensures we can continue to fulfill our public service mission in a financially sustainable manner and remain a part of the country's critical infrastructure.

To address our financial challenges, management is developing a business plan to ensure that we will be financially stable and able to continue to provide reliable, affordable, safe and secure delivery of mail and packages to all Americans. This plan will be presented to and considered by the Board of Governors, and will include new and creative ways to fulfill our mission, and a focus on the strengths of the Postal Service to maximize our prospects for success. It will seek to take advantage of the tremendous opportunities available to us to strengthen the public service we provide, while also making changes needed to place the Postal Service in a financially healthy position. Once the Board has agreed to the plan, we would be happy to brief you or your staff on the details.

While we develop a broader business plan, Postal Service management is also taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards. By running operations on-time and on-schedule, we will be better positioned to continue to provide high-quality, reasonably-priced service to all people and businesses in the country.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USPS.COM

These management efforts are fully consistent with our legal responsibilities—both to efficiently provide service and to be self-supporting. In this regard, the Postal Service is obligated by statute to provide prompt, reliable, and efficient service to the American people, in a self-sustaining manner. See, e.g., 39 U.S.C. §§ 403(a), 403(b)(1), 404(b), 3622(b), 3661(a). Fulfilling this mandate established by Congress necessarily requires that Postal Service management continually review our operational practices and make adjustments as necessary to ensure that we operate in an efficient and effective manner. As with any such management efforts, any temporary service impacts will be monitored and the root causes of any issues will be addressed as necessary and corrected as appropriate.

Taking steps to enhance operational efficiency and reduce costs is particularly important in today's environment, considering the Postal Service's dire financial condition. Indeed, as we have repeatedly noted to Congress for many years, one essential aspect of restoring the Postal Service to financial stability, in the face of declining mail volumes, is through management efforts to improve efficiency.

These efforts are clearly within the legal authority of the Postmaster General, pursuant to the delegation of authority in 39 C.F.R. § 3.5, and such delegation is authorized by law pursuant to 39 U.S.C. § 402. In this regard, the operational efforts at issue do not constitute service standard changes that require the involvement of our Board of Governors. Nor was there any reason to delay implementation until after the Board considers the broader plan which is being developed to address the Postal Service's business model challenges.

Finally, please be assured that we are aware of our legal obligations to request an advisory opinion before implementing a "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis" under 39 U.S.C. § 3661(b). None of the operational efforts discussed here constitute such a change. To the extent that Postal Service management develops proposals to make any such service changes within the scope of Section 3661(b), and our Board approves such proposals, we will make the appropriate requests to the Postal Regulatory Commission.

We appreciate your ongoing interest in the Postal Service, and look forward to working with you to ensure that we will be sustainable and that we will remain able to continue to fulfill our universal service obligation for all people and businesses in America. If I can be of assistance in other postal matters, please let me know.

Sincerely,

Thomas J. Marshall

# EXHIBIT 5

### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 21 of 122

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 31, 2020

Honorable Alex Padilla California Secretary of State 1500 11th Street Sacramento, CA 95814-5701

Dear Secretary Padilla:

Re: Deadlines for Mailing Ballots

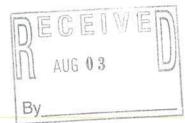
With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. Under our reading of California's election laws, the vast majority of your voters should have sufficient time to receive, complete, and return their ballots by the state's deadlines. However, certain deadlines concerning mail-in ballots, particularly with respect to new residents who register to vote shortly before Election Day, appear to be incongruous with the Postal Service's delivery standards. This mismatch creates a significant risk that some ballots will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For states that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- Voter registration: Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the state's initial scheduled mailing.
- Mailing blank ballots to voters: Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USPS.COM



• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be both postmarked by Election Day and received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, ballots are generally mailed to eligible voters beginning no later than 29 days before Election Day, which should allow sufficient time for voters to receive, complete, and return such ballots by the state's deadline. However, certain state-law requirements and deadlines concerning new residents who register to vote after that initial mailing date appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from these voters, there is a significant risk that, at least in certain circumstances, ballots may be sent to voters in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received 17 days after the November general election. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits new residents to register as late as 7 days before the election and that election officials thereafter have 5 days to transmit a ballot to the voter. If a voter registers at or near that deadline, and if the election official transmits the ballot to the voter by mail several days later, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. A similar risk would be present for any other individual who is allowed to register or update their registration information after the state's regular registration deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to update their registration information and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Mushl

Sincerely,

Thomas J. Marshall

#### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 24 of 122

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 31, 2020

Honorable Alice Miller Executive Director DC Board of Elections & Ethics 1015 Half Street, SE, Suite 750 Washington, DC 20003-4733

Dear Ms. Miller:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. It is our understanding that the District of Columbia intends to automatically mail ballots to voters ahead of the November 3 general election. However, we were not able to find complete information regarding certain deadlines, and therefore cannot fully assess whether your planned use of the mail aligns with the Postal Service's delivery standards. As you continue to plan for the general election, please keep in mind that any mismatch between your election deadlines and the Postal Service's delivery standards could create a risk that ballots will not be returned by mail in time to be counted.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For jurisdictions that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- Voter registration: Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the jurisdiction's initial scheduled mailing, which should occur no later than 15 days before the election.
- Mailing blank ballots to voters: Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to

475 L'ENFANT PLAZA SW

WASHINGTON DC 20260-1100

(h)(6): (h)(3):39 Fax: 202-268 6981

(b)(6): (b)(3):39 USC

www.usps.com

transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

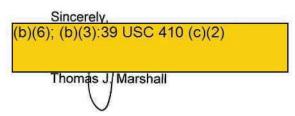
• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the jurisdiction's due date. In locations that require mail-in ballots to be both postmarked by Election Day and received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of the D.C.'s election laws, as in effect on July 27, 2020, it appears that ballots will generally be mailed to eligible voters and that a completed ballot must be postmarked by Election Day and received 7 days after the election. However, we were unable to find additional details about the scheduled mailing times for election officials to send voters a blank ballot. We were also unable to determine whether the last day for voters to register and still receive a ballot by mail would be set using new or existing registration deadlines, or whether another type of request process would be put into place. Without this additional information, we are unable to assess the potential risks with respect to the Postal Service's delivery standards at this time. If you choose to transmit blank ballots to voters by mail, please consider the recommended timeframes above as you continue to plan for the November general election. Adhering to those timeframes will help ensure voters will have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the jurisdiction's return deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your jurisdiction's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to register and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.



#### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 26 of 122

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT



RECEIVED ONS

2020 JUL 30 P 3: 13

July 29, 2020

Honorable Anthony Albence State Election Commissioner 905 S. Governors Avenue Dover, DE 19904-4112

Dear Commissioner Albence:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Delaware's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USPS.COM

• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. So, if state law requires ballots to be returned by Election Day, voters should mail their ballots no later than Tuesday, October 27.

š

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to apply by mail for a ballot until the day before Election Day and provides that ballots will be mailed to voters until 4 days before the election. If a requested ballot is transmitted to the voter by mail at or near that 4-day deadline, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. Even if a voter receives a ballot before Election Day, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

Mushall

#### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable William Galvin Secretary of the Commonwealth of Massachusetts State House 24 Beacon Street, Room 337 Boston, MA 02133-1099

Dear Secretary Galvin:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Massachusetts' election laws, certain deadlines for requesting and casting mailin ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- Ballot requests: Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
(h)(6): (h)(3):39
FAX: 202-268-6981
(b)(6): (b)(3):39 USC

• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are both postmarked by Election Day and received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 4 business days before the November general election, and that a completed ballot must be postmarked by Election Day and received by election officials within 3 days after the election. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely, (b)(6); (b)(3):39 USC 410 (c)(2)

Thomas J. Marshall

### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 310/122VFD

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT

JUL 3 1 2020

Office of the Secretary of State



July 29, 2020

Honorable Matt Dunlap Maine Secretary of State 148 State House Station Augusta, ME 04333-0148

Dear Secretary Dunlap:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Maine's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- Ballot requests: Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV

Mailing completed ballots to election officials: To allow enough time for ballots to be
returned to election officials, domestic voters should generally mail their completed ballots at
least one week before the state's due date. So, if state law requires ballots to be returned by
Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to request a ballot as late as the 3rd business day before the election. If a voter submits such a request at or near that deadline, and if the requested ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. Even if a voter receives a ballot before Election Day, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <a href="https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf">https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf</a>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J Marshall

#### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 30, 2020

AUG 1 3 2020

Honorable Elaine Marshall North Carolina Secretary of State P.O. Box 29622 Raleigh, NC 27626-0622

Dear Secretary Marshall:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of North Carolina's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- Ballot requests: Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS J. MARSHALL@USPS.GOV

• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are both postmarked by Election Day and received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 7 days before the November general election, and that a completed ballot must be postmarked by Election Day and received by election officials no later than 3 days after the election. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to impose a time period by which election officials must transmit a ballot to the voter in response to a request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Warshall

### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 29, 2020

Honorable Kathy Boockvar Secretary of the Commonwealth of Pennsylvania 302 North Capitol Building Harrisburg, PA 17120-0001

Dear Secretary Boockvar:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Pennsylvania's election laws, certain deadlines for requesting and casting mailin ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- Ballot requests: Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USDS.COM

Mailing completed ballots to election officials: To allow enough time for ballots to be
returned to election officials, domestic voters should generally mail their completed ballots at
least one week before the state's due date. So, if state law requires ballots to be returned by
Election Day, voters should mail their ballots no later than Tuesday, October 27.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be received by Election Day to be counted. If that understanding is correct, we accordingly recommend, as noted above, that voters who choose to mail their ballots do so no later than Tuesday, October 27. However, it further appears that state law generally permits voters to request a ballot as late as 7 days before the November general election. If a voter submits a request at or near that deadline, and the ballot is transmitted to the voter by mail, there is a significant risk that the voter will not have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's return deadline. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 48 hours after receiving a ballot application.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas Marshall



August 4, 2020

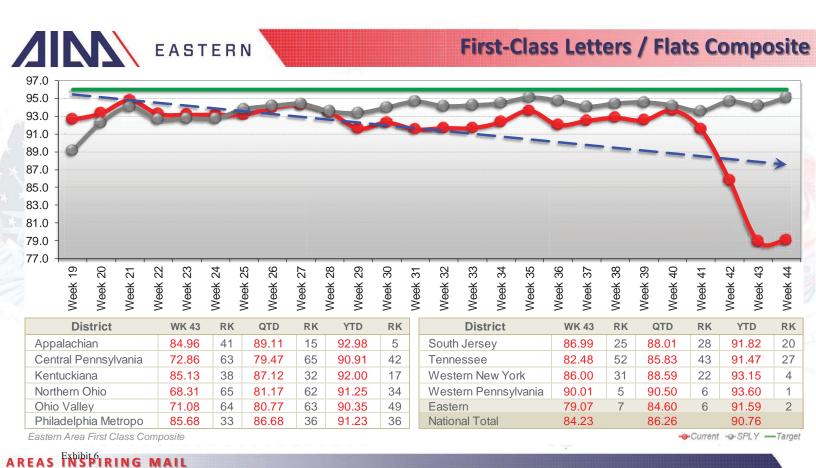
### **SERVICE**

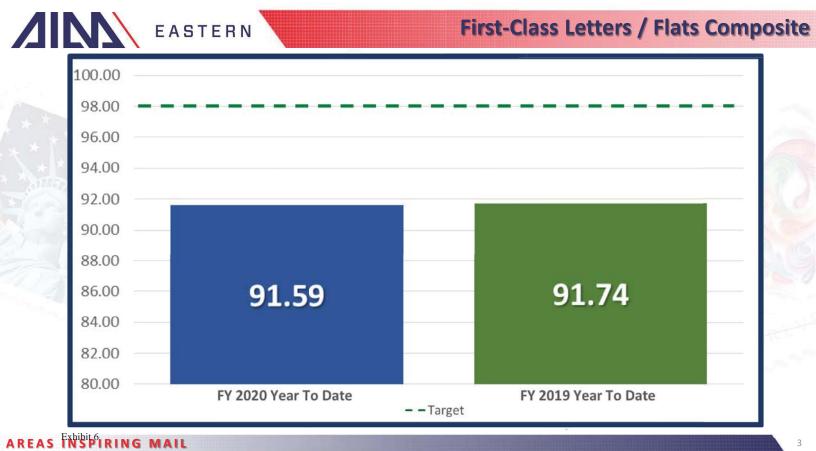
#### Dave Webster SAFOR

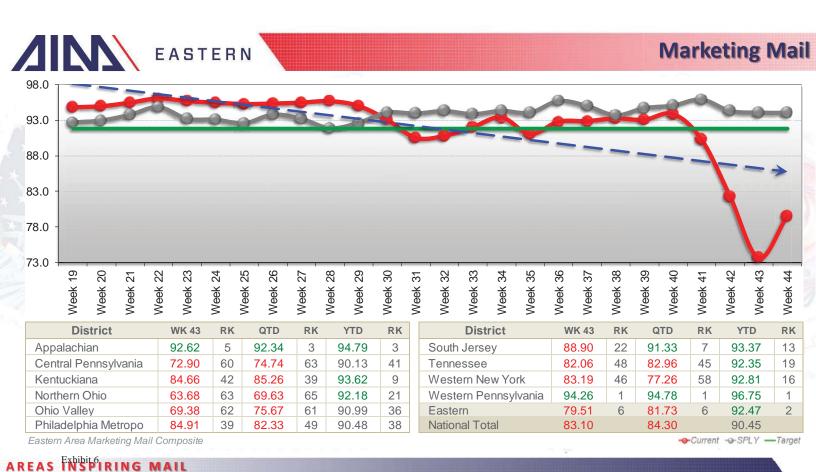
A/Manager Operations Support - Eastern Area

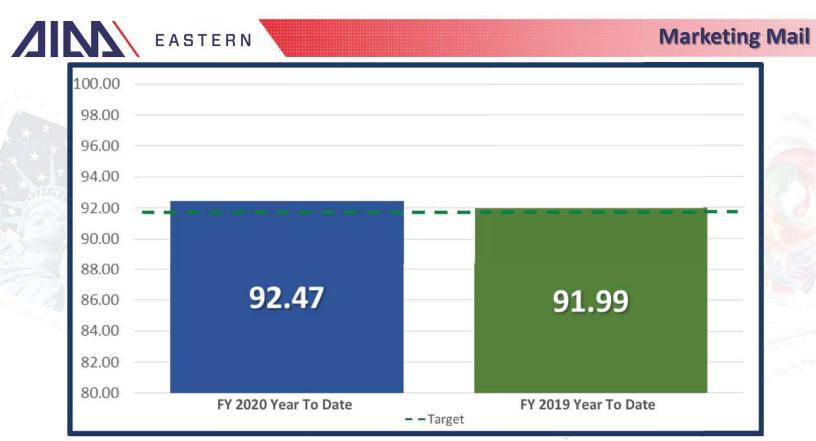
AREAS Exhibit 6 IRING MAIL

1

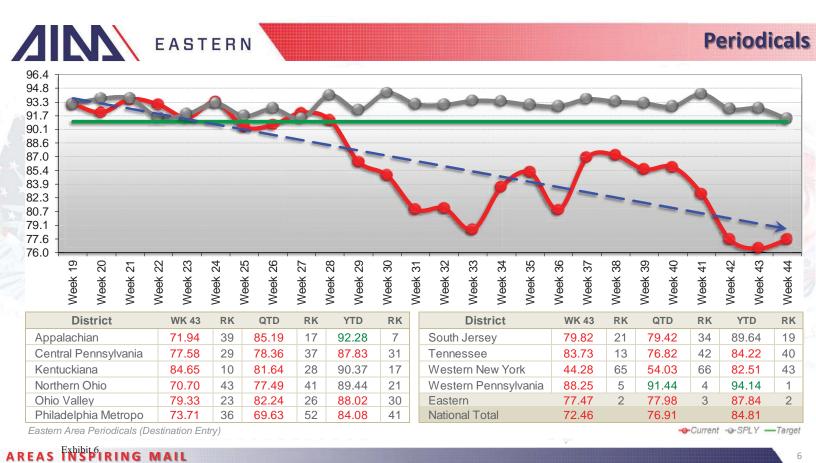


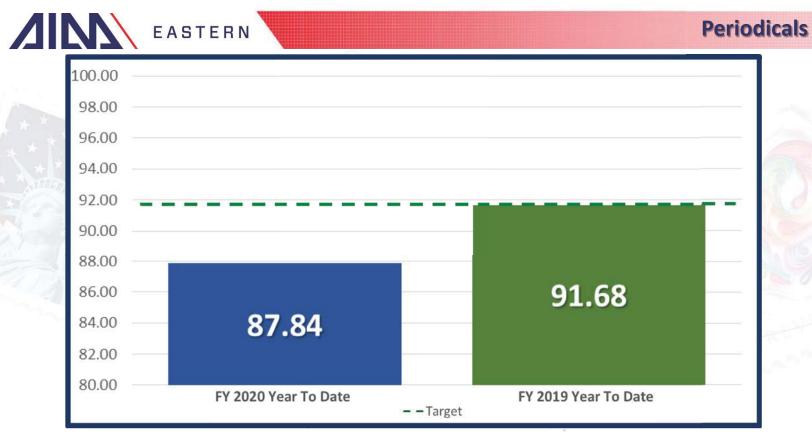






AREAS INSPIRING MAIL





AREAS Exhibit FIRING MAIL

DAVID E. WILLIAMS
CHIEF OPERATING OFFICER
EXECUTIVE VICE PRESIDENT



August 6, 2020

The Honorable Gary C. Peters Ranking Member Committee on Homeland Security and Governmental Affairs United States Senate Washington, DC 20510-6250 The Honorable Charles E. Schumer United States Senate Washington, DC 20510-3202

The Honorable Thomas R. Carper Committee on Homeland Security And Governmental Affairs United States Senate Washington, DC 20510-6250 The Honorable Amy Klobuchar United States Senate Washington, DC 20510-2302

Dear Ranking Member Peters and Senators Schumer, Carper, and Klobuchar:

This is in response to your letter of July 30, 2020, concerning U.S. Postal Service operations, as well as to some of the questions that were raised in a meeting hosted by Speaker Pelosi and Senator Schumer with the Postmaster General that I attended.

The Postal Service is in a financially unsustainable position, stemming from substantial declines in mail volume, and a statutorily imposed business model that is broken. We are currently unable to balance our costs with available funding sources to fulfill both our universal service mission and other legal obligations. Because of this, the Postal Service has experienced over a decade of financial losses, with no end in sight, and we face an impending liquidity crisis.

As we have repeatedly stated, Congress and the Postal Regulatory Commission must enact legislative and regulatory reforms to help address the situation. At the same time, it is imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that meets the needs of our customers. We recognize that there are alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an imperative, but it is equally important to note that high-quality service and efficient service are not mutually exclusive, but in fact necessarily go hand-in-hand if we are to be self-sustaining as required by law. Indeed, achieving both is the only way that the Postal Service can continue to survive as a self-funded entity and to provide prompt, reliable, and reasonably-priced universal postal services for all Americans over the long-term.

As such, we are vigorously focusing on the efficiency of our operations as a fundamental strategy to enable the provision of high-quality service in a financially sustainable manner. To start with, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. Of course, we acknowledge that temporary service impacts can occur as we redouble our efforts to conform to the current operating plans, but any such impacts will be monitored and temporary as the root causes of any issues are

475 L'ENFANT PLAZA SW WASHINGTON DC 20260-0061 WWW.USPS.COM addressed and corrected. However, our long-term viability depends on us taking the transformative steps necessary to provide quality service in an even more efficient manner, so some temporary service issues are likely inevitable in our evolution. But you can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

Your letter and the meeting I describe above both seek information about "operational changes" implemented under Postmaster General DeJoy. As an initial matter, in our efforts to reemphasize our existing operational plans, we are focused on improving our transportation efficiency. This means working to eliminate extra and late trips. The need to dispatch an extra truck or to hold a truck only arises when the mail being carried by those extra or late trips is off schedule in the first place. Therefore, a more disciplined transportation schedule exposes other areas in our system where adjustments or corrections are needed to keep the operational plan on schedule. In addition to an emphasis on eliminating extra and late trips, we are reducing unnecessary miles and more fully utilizing capacity. Given persistent volume declines, such efforts are necessary to ensure that trucks are not traveling long distances with limited volume onboard.

In addition to transportation efforts, we are also focused on maximizing the efficiency of our processing and sortation equipment. Similar to truck capacity, the time and cost associated with running a machine grows significantly less efficient with less volume on the machine. By adhering to planned start and stop times, and running sort plans based on current volumes, we can maximize the efficiency of our processing operations and ensure that the mail departs from our plants on time. In some instances, we may be able to shift or remove equipment as appropriate. These efficiency efforts also permit further alignment of employee schedules with operating plans and prevent the negative downstream impacts to our operations when the mail leaves our plants late.

Decreases in volume and improvements in automation also result in less need for carriers to manually sort mail. On July 25, 2020, we started the Expedited to Street/Afternoon Sortation (ESAS) pilot in 384 Post Offices across the country. The pilot decreases carrier time in the office in the mornings and ensures that our letter carriers start their routes on schedule. ESAS is designed to improve consistency in delivery times, increase carrier efficiency, ensure that there are no downstream effects as the result of our carriers arriving back to their post offices late, and reduce cost. Parcels, small parcels and rolls (how medicines are often sent), First-Class flats, election mail, Social Security and other benefit checks, and local newspapers will continue to be sorted in the morning and will not be impacted by the pilot. A small volume of mail not compatible in automation and some Marketing Mail that could not be sorted before the carriers leave the post offices will be sorted in the afternoon after carriers return from delivery. At the conclusion of the test, the Postal Service will evaluate any impact to customer service and operational efficiency. If the test is deemed successful, the Postal Service will take any necessary legal and regulatory steps prior to national expansion. Please find attached a presentation discussing the pilot.

Contrary to media accounts and other accusations, there have been no edicts to delay the mail or eliminate overtime, although we are reemphasizing that operational managers must ensure that overtime is earned as the result of unexpected volume or other factors pursuant to our normal overtime analysis before it is approved. As indicated by the above efforts, we are working towards meeting our current operational plans in a manner that improves efficiency and service, not to slow down the mail. Closely following the operating plan should also decrease unnecessary overtime. As will reinforcement of the processes for approving overtime and aligning hours with workload to reduce unauthorized overtime.

As discussed in the July 22, 2020, response to Senator Peters, we explained that the Postmaster General is working on a broader business plan that will be presented to and considered by the Postal Service Board of Governors. We will keep our oversight committees informed as the business plan is finalized, and as decisions are made on other significant interim efforts. We are also happy to set up a time to speak with your staffs in this regard if that is what you prefer. In addition, we will respond to Senator Schumer's questions concerning Election Mail in a separate letter.

I hope that this provides the additional clarification sought in your letter and appreciate your ongoing interest in the Postal Service. If I can be of assistance in other postal matters, please let me know.

Sincerely,

avid E. Williams

**Enclosure** 





FOR IMMEDIATE RELEASE Aug. 7, 2020

Contact Name
David Partenheimer
202-268-2599
david.a.partenheimer@usps.gov
usps.com/news

#### Postmaster General Louis DeJoy's Opening Remarks for the USPS Board of Governors Aug. 7 Meeting

Below are the prepared opening remarks by Postmaster General and CEO Louis DeJoy for the Postal Service Board of Governors open session meeting on Aug. 7, 2020. The remarks as delivered may vary from the prepared text. An audio recording of the full meeting will be available at <a href="https://about.usps.com/who/leadership/board-governors/briefings/welcome.htm">https://about.usps.com/who/leadership/board-governors/briefings/welcome.htm</a>.

"This is my first open session of the Board of Governors and I would like to offer my public thanks to the Governors for entrusting me with this role. It is an incredible honor to serve the public and this organization as Postmaster General.

I look forward to working with all of you, our management team, and the men and women of the Postal Service – as well as our postal unions, management associations, customers and other stakeholders.

We are at the beginning of a transformative process. Our goal is to change and improve the Postal Service to better serve the American public, and I am excited about the opportunities ahead.

I would also like to add my public welcome to Governors Lee Moak and Bill Zollars. Thank you for joining this Board and for serving the American public. I look forward to working with you.

My first day on the job as Postmaster General was June 15th. Since then, I have been fully immersed in understanding and evaluating all aspects of the postal organization and business model.

We have conducted numerous deep-dive meetings in every core area of our business. We have assessed previous plans as well as research and analysis about our products and services and the competitive marketplace.

We have also dug deeply into our operational practices and the many ways we deliver value for our customers, as well as the drivers of our troubling financial condition.

Let me start by saying that I am an optimist by nature, and as I take on this new role, I am enthusiastic and energized about the prospects for our future and our untapped promise. I have been extremely impressed by the dedication of the Postal Service workforce and their commitment to the public service that we provide to the American people, and I am excited about the fantastic competencies of this organization. I believe that there are tremendous opportunities available to us, and I am very confident that we can turn our business around and become financially healthy, while remaining a vital part of the nation's critical infrastructure.

That said, I am a realist, and am keenly aware of the magnitude of the financial challenges we

#### 

face. Our financial position is dire, stemming from substantial declines in mail volume, a broken business model and a management strategy that has not adequately addressed these issues. As a result, the Postal Service has experienced over a decade of financial losses, with FY 2019 approaching \$9 billion and 2020 closing in on \$11 billion in losses. Without dramatic change, there is no end in sight, and we face an impending liquidity crisis.

At the same time, there is a critical need to make capital investments in order to ensure effective and efficient operations, and meet the needs of the American people. Our financial situation has forced us to defer capital investments over the past decade in order to preserve liquidity, which is not a sustainable strategy for success. Most vitally, we need to invest in new delivery vehicles so that our letter carriers can safely serve the American people and we can participate in the growth of the new economy.

As we have repeatedly stated, Congress and the Postal Regulatory Commission have long delayed much needed legislative and regulatory reforms to help address the situation. Congress must enact reform legislation that addresses our unaffordable retirement payments. Most importantly, Congress must allow the Postal Service to integrate our retiree health benefits program with Medicare, which is a common-sense best practice followed by all businesses who still offer retiree health care. Rather than sensationalizing isolated operational incidents that I acknowledge can occur and have always occurred in a business of our size and scope or attempting to impose unfunded mandates unrelated to any postal policies, I ask members of Congress to take action on this one legislative burdensome issue that will actually make a difference.

The Commission, meanwhile, must expeditiously resolve the 10-year review, and a design a more rational regulatory system for our mail products. The 10-year review has been ongoing for nearly 4 years, and it has been nearly 3 years since the Commission concluded that the current system is not working, yet it has still not finalized a replacement system. Since that time we have delivered over 480 billion pieces of mail and packages under a system that our regulator acknowledges is not working, and we continue to wait for the required relief. Had Congress and the PRC fulfilled their obligations to the American people concerning the Postal Service, I am certain that nearly \$80 billion of cumulative losses we have experienced since 2007 could have been avoided, and that the Postal Service's operational and financial performance would not be in jeopardy.

Drama and delay does not get the mail delivered on time, nor does it pay our bills. Without timely legislative and regulatory reform, we will be forced to take aggressive measures to cut costs and bridge the divide.

At the same time, the Postal Service has failed to engage a sufficient operating strategy that adequately mitigated these predicted annual financial losses. We will not and cannot wait for the legislative and regulatory process to save us. The Postal Service must do our part, by pursuing every strategy within our control to ensure our success, and in that regard I know we can do more. If we want to be viable for the long term, it is absolutely imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that fulfills our universal service mandate and meets the needs of our customers.

There are competitive alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an absolute necessity, but it is equally important for us to embrace the reality that high quality service and efficient service are not mutually exclusive, but instead must go hand-in hand if we are going to keep pace with our competition and be self-sustaining, as our mandate requires.

The Postal Service is a great American institution with tremendous capabilities and prospects,

#### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 53 of 122

and I know there is tremendous additional value within the Postal Service that needs to be unlocked. To reach our full potential we need to be even better at everything we do well now, but we also need to recognize our issues and urgently embrace the changes required to unleash the full range of possibilities, and we need to start yesterday.

For that reason, we have begun by vigorously focusing on the ingrained inefficiencies in our operations. To start with, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, and by not incurring unnecessary overtime or other costs, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. I call on every executive, employee, union and management association leader to join me in pursuing this simple objective that every service organization needs to achieve in order to be successful.

As we implement our operating plans, we will aggressively monitor and quickly address service issues. You can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

During the early days of my tenure we have also taken a fresh look at our operations and considered any necessary organizational and structural adjustments that will best position us to maximize our core competencies and key strengths. We are highly focused on our public service mission. However, we collectively recognize that changes must be made, and for that reason we will implement an organizational realignment that will refocus our business, improve line of sight, enable faster solutions, reduce redundancies, and increase accountability. This realignment will strengthen the Postal Service by enabling us to identify new opportunities to generate revenue, so that we will have additional financial resources to be able to continue to fulfill our universal service obligation to all of America.

Further, we also are now in the process of developing a series of additional actions, which, if approved by the Board, will include new and creative ways for us to fulfill our mission, and will likewise focus on our strengths to maximize our prospects for long-term success. We will improve the products and services we provide, pursue new revenue areas, and continue to operate more efficiently. The plan will consist of actions that the Postal Service can undertake with the approval of the Governors, as well as elements requiring Congressional and Postal Regulatory Commission actions.

As we move forward in developing and implementing these initiatives, I'm especially appreciative of the strong efforts of our management team, and the many contributors within our internal organization who are involved in this important process, and I likewise welcome the good discussions and healthy debate that I have had with our union leadership already.

I am also thankful for the ongoing consultation with this Board regarding our business planning, and I look forward to our ongoing dialogue.

While I have the pulpit, I also want to take the opportunity to clear up some misconceptions some may have about me and the positions I intend to advance on behalf of the Postal Service.

First, while I certainly have a good relationship with the President of the United States, the notion that I would ever make decisions concerning the Postal Service at the direction of the President, or anyone else in the Administration, is wholly off-base. I serve at the pleasure of the Governors of the Postal Service, a group that is bipartisan by statute and that will evaluate my performance in a nonpartisan fashion. The Postal Service itself has a proud tradition of being a nonpartisan organization, which I believe is one reason why the Postal Service is consistently rated by the public as the most trusted federal entity. I intend to uphold the trust that has been

#### Case 2:20-cv-04096-GAM Document 18-3 Filed 09/02/20 Page 54 of 122

placed in me by the Governors, and to fulfill my responsibilities to this organization and to the public interest, by trying to make good decisions through the exercise of my best judgment and business acumen gained through 35 years of commercial experience, and not based upon any partisanship.

Second, let me be clear that with regard to Election Mail, the Postal Service and I are fully committed to fulfilling our role in the electoral process. If public policy makers choose to utilize the mail as a part of their election system, we will do everything we can to deliver Election Mail in a timely manner consistent with our operational standards. We do ask election officials and voters to be mindful of the time that it takes for us to deliver ballots, whether it is a blank ballot going to a voter or a completed ballot going back to election officials. We have delivery standards that have been in place for many years. These standards have not changed, and despite any assertions to the contrary, we are not slowing down Election Mail or any other mail. Instead, we continue to employ a robust and proven process to ensure proper handling of all Election Mail.

We have been working closely with election and other public officials throughout the country to ensure that they are well educated about the mailing process and can use the mail effectively to administer elections. Ensuring that election officials throughout the country have an understanding of our operational parameters, including the circumstances under which we postmark mail and our delivery standards, so that they can educate voters accordingly, is important to achieving a successful election season. Although there will likely be an unprecedented increase in election mail volume due to the pandemic, the Postal Service has ample capacity to deliver all election mail securely and on-time in accordance with our delivery standards, and we will do so. However, as discussed, we cannot correct the errors of the Election Boards if they fail to deploy processes that take our normal processing and delivery standards into account.

Third, I was not appointed by the Governors to position the Postal Service to be privatized or to manage its decline. To the contrary, I accepted the job of Postmaster General fully committed to the role of the Postal Service as an integral part of the United States Government, providing all Americans with universal and open access to our unrivalled processing and delivery network, as reflected in the Mission Statement that the Board adopted on April 1, 2020. I fully embrace six-day delivery of mail and packages as one of this organization's greatest strengths and I plan to invest in tools and equipment for our letter carriers, as well as enhance the stability of our non-career workforce, to continue to provide the nation's most trusted service. I accept the responsibility that the Governors gave me to maintain and enhance our reputation and role as a trusted face of the federal government in every community, and I intend to work with postal executives, management associations, managers, union leadership, and our craft employees to do everything I can to put us back on a financially stable path. I am confident that we can chart a path forward that allows the Postal Service to fulfill our vital public service mission in a sustainable manner. I look forward to the challenge, and know we are up to it.

Today, we are releasing our results for our third quarter, ended June 30. Joe Corbett, our Chief Financial Officer, will review those results in detail this morning. I would like to provide just a couple of comments on overall business conditions.

We have experienced some dramatic shifts in our business since the COVID-19 pandemic began.

First and foremost, we have taken the steps necessary to make sure that our employees can work safely. We have worked closely with our unions to assess the needs and fill the gaps, and now there is a solid process in place to ensure the right protective equipment and other supplies are in the right places.

We have also seen an unprecedented increase in package deliveries since March. We expect elevated package volumes will continue through the end of the year at least – and may have some long-term staying power.

We are obviously highly attentive to changing consumer e-commerce behaviors and what this means for our business. We are proud to be the carrier of choice for companies to reach homes and businesses, especially during the current situation.

On the whole, while package growth has been strong, the changes in U.S. economic conditions due to the pandemic are straining our financial situation. We have seen substantial declines in mail volume, as well as significantly increased costs.

On Wednesday of last week, I announced that we have reached an agreement in principle with the Department of the Treasury on the terms and conditions associated with \$10 billion lending authority provided in the CARES Act. I very much appreciate Treasury Secretary Steven Mnuchin for working with me to reach mutually acceptable terms and conditions.

Access to an additional \$10 billion in borrowing authority will delay the approaching liquidity crisis and is a positive development. However, we remain on an unsustainable path which cannot be solved simply by borrowing money which needs to be paid back with interest, since our current path does not enable us to pay even our current bills, let alone new ones. We will continue to focus on improving operational efficiency and pursuing other reforms in order to put the Postal Service on a trajectory for long-term financial stability.

Before I conclude, I'd like to comment briefly on the public service mission of the organization.

I have been struck by the commitment and dedication of postal employees, who have truly gone above and beyond in dealing with the COVID-19 pandemic.

The public support for the organization is extremely high because postal employees are so committed to serving their communities and their customers. We aim to continually earn the trust and support of the public.

In that regard, I'd like to conclude by thanking the 630,000 men and women of the Postal Service for their hard work serving America's communities. In addition to the challenges presented by the pandemic, many parts of the country have experienced extreme heat this summer, and the hurricane season has begun.

Thank you for your exceptional commitment to our mission of serving the nation. We appreciate all you do, every day."

###

**Please Note:** For U.S. Postal Service media resources, including broadcast-quality video and audio and photo stills, visit the <u>USPS Newsroom</u>. Follow us on <u>Twitter, Instagram, Pinterest</u>, and <u>LinkedIn</u>. Subscribe to the <u>USPS YouTube channel</u>, like us on <u>Facebook</u> and enjoy our <u>Postal Posts blog</u>. For more information about the Postal Service, visit <u>usps.com</u> and <u>facts.usps.com</u>

#### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



August 11, 2020

The Honorable Carolyn B. Maloney Chairwoman Committee on Oversight and Reform House of Representatives Washington, DC 20515-3212

Dear Chairwoman Maloney:

Due to the impacts of the COVID-19 pandemic, the United States Postal Service anticipates that there will be an increased demand among voters to use the mail to participate in the 2020 General Election, and that public policy makers will choose to increasingly utilize our services as part of their administration of elections. To the extent they do, the Postal Service remains fully committed to fulfilling our role in the electoral process by doing everything we can to handle and deliver Election Mail, including ballots, in a timely manner consistent with our operational standards.

As part of that commitment, we have conducted and will continue to conduct significant outreach to election officials at the state and local levels, as well as other public officials, to ensure close coordination between the Postal Service and the policy makers who choose to use our services. This letter briefly summarizes the outreach efforts we have undertaken to date, and also notes an area of ongoing concern regarding the incompatibility of state election law deadlines with the Postal Service's delivery standards.

Each election cycle, the Postal Service conducts outreach with state and local election officials, in which we explain our services and our delivery processes, and provide guidance on how election officials can design and send their mailings in a manner that comports with postal regulations, improves mailpiece visibility, and ensures timely and efficient processing and delivery. These outreach efforts, which we have significantly intensified this year, establish solid points of contact between election officials and Postal Service personnel to foster ongoing coordination, and also provide repeated opportunities for the Postal Service to address questions and discuss our delivery standards, postage-payment options, mailpiece design issues, tracking and mailpiece-visibility services, and other matters regarding Election Mail. The purpose of this outreach is to enable policy makers and election officials to (1) make informed decisions about how to effectively utilize the Postal Service in their administration of elections, and (2) educate the public about what they can expect when using the mail to vote.

475 L'ENFANT PLAZA SW WASHINGTON DC 20260-1100 PHONE: 202-268-5555 FAX: 202-268-6981 THOMAS.J.MARSHALL@USPS.GOV For the 2020 election cycle, the Postal Service began conducting initial outreach meetings with election officials in February. In March, the Postal Service prepared a 2020 Official Election Kit (Kit 600) and distributed it to roughly 11,500 election officials throughout the nation. A copy of the Election Kit is available at <a href="https://about.usps.com/kits/kit600.pdf">https://about.usps.com/kits/kit600.pdf</a>. In May, I sent a letter to the same group of more than 11,500 election officials and to state political-party officials, highlighting some key aspects of the Postal Service's processes and delivery standards, and providing recommendations for steps that election officials can take to ensure the efficient and timely handling of mail pertaining to elections. A copy of that letter is available at <a href="https://about.usps.com/newsroom/national-releases/2020/2020-05-29-marshall-to-election-officials-re-election-mail.pdf">https://about.usps.com/newsroom/national-releases/2020/2020-05-29-marshall-to-election-officials-re-election-mail.pdf</a>. That letter also attached a copy of Publication 632, State and Local Election Mail — User's Guide, which is also available, along with other Election Mail resources, at the Postal Service's Election Mail website: <a href="https://about.usps.com/election-mail/election-mail-resources.htm">https://about.usps.com/election-mail/election-mail-resources.htm</a>.

The Postal Service has also assigned election mail coordinators to each locality that stand ready to assist and consult with state and local election officials concerning the logistics of their mailings and the services that are available. A list of election mail coordinators may be found on our website at: <a href="https://about.usps.com/election-mail/political-election-mail-coordinators.pdf">https://about.usps.com/election-mail/political-election-mail-coordinators.pdf</a>. In addition to the election mail coordinators, we have assigned mailpiece design analysts for each state who are available to assist election officials in designing and preparing envelopes that are consistent with postal regulations, increase mailpiece visibility, and allow officials to receive available postage discounts.

Our election mail coordinators consistently reach out to election officials in their assigned jurisdictions, and we have repeatedly encouraged election officials to contact their assigned election mail coordinators if they have questions and to discuss the services we offer and the logistics of their planned mailings. We also strongly recommend that election officials reach out to a mailpiece design analyst **before** designing and printing any mailpieces for use in upcoming elections.

These outreach efforts are ongoing and will continue through the fall. But there have already been nearly 40,000 contacts between Postal Service personnel and state and local election, public, and political party officials in 2020.

One particular area of focus concerns the interplay between deadlines set by state law and the Postal Service's delivery standards, specifically as it involves the time for mailing blank and completed ballots. To ensure that voters who wish to use the mail to vote can do so successfully, it is critical that election officials and voters are mindful of the time that it takes for us to deliver ballots, whether it is a blank ballot going to a voter or a completed ballot going back to election officials. In other words, the time required for both legs of a ballot's delivery through the mail must be taken into account.

In this regard, the Postal Service does not guarantee, and has not previously guaranteed, a specific delivery time for its classes of mail. The transit time for a given mailpiece depends on a variety of factors, including the class of mail selected and the mailpiece's place of origin and destination. However, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service. Marketing Mail, which some states use for transmitting blank ballots to voters despite our consistent recommendation to the contrary, has a slower delivery standard, with most mailpieces delivered 3-10 days after they are received by the Postal Service.

Meanwhile, as you are undoubtedly aware, each state establishes its own requirements for whether and when voters may cast a vote by mail, including deadlines for when a ballot must be requested and/or mailed to voters and when the voter must return the completed ballot. The

Postal Service is not involved in and does not control the design of the state's election systems, including ballot request and return deadlines. However, we are concerned that many states have designed their election systems without considering the ordinary timeframes required by the Postal Service to process and deliver mail. In many instances, based upon our reading of the relevant state laws, ballot request and return deadlines appear to be incompatible with the Postal Service's delivery standards mentioned above. Where such incompatibility exists and the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be sent to voters in a manner that is consistent with a state's election rules and returned promptly by voters, and yet not received by election officials in time to be counted.

In particular, we have identified several instances where the gap in time between a state's deadline for voters to request a mail-in ballot and the state's deadline by which the completed ballot must ultimately be received is shorter (and, in some cases, considerably shorter) than the time it reasonably takes for a blank ballot to be mailed to a voter, completed, and then mailed and delivered back to the applicable election official. In other instances, a state law may provide that a completed ballot must be "postmarked" by Election Day and received by election officials by a specific date that is only a few days after Election Day. There is a significant risk in such instances that a ballot mailed

by voters on or near the "postmark" deadline will be delivered in a manner fully consistent with our delivery standards but will nevertheless fail to be delivered in time to satisfy the state's "receipt" deadline.

For your reference, the attached chart contains a high-level overview of our understanding of each state's general deadlines for ballot requests (where applicable), timeframe (if any) in which election officials must transmit a ballot in response to a request, and the date by which a completed ballot must be "postmarked" and/or "received" by election officials in order to be counted. While we by no means represent ourselves to be experts on state election law, or hold out our analysis as a definitive interpretation of such laws, our review certainly seems to reveal significant inconsistencies between our processing and delivery standards, and the deadlines established within these laws, which should cause significant concerns.

To highlight and address these concerns, and in furtherance of our approach noted above of working proactively with election officials, I sent letters in late July to the chief election official in each state and the District of Columbia, noting instances in which, under our reading of that particular jurisdiction's election law, there appeared to be an incongruity between the election-law deadlines and the Postal Service's delivery standards. Those individual letters made clear that we were not purporting to offer a definitive interpretation of state law, and also did not advocate or recommend that the state's law be changed to accommodate the Postal Service's processes and delivery standards. At the same time, however, we emphasized that the Postal Service cannot alter its processes and delivery standards to accommodate the unique requirements of any individual state's election law, although we certainly do everything we can to ensure that Election Mail is processed and delivered in conformity to our normal standards. Despite our intense focus on Election Mail processing and delivery and our commitment to ensuring that it is processed and delivered, we do not offer and have never offered a different delivery standard specific to mail containing ballots.

Our letters focused on three core components of mail-in ballot transmission: the voter's request for a ballot (or, in states that automatically send blank mail-in ballots to eligible voters, the voter's submission or updating of his or her registration information); the state's transmission of a blank ballot to voters; and the voter's return of the completed ballot to his or her designated election official. To account for the Postal Service's delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends that states adhere to the following timeframes:

- Requests for ballots (or registration information in states that automatically transmit ballots): Where voters will both receive and send a ballot by mail, they should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time. In states that intend to automatically send blank mail-in ballots to eligible voters, voters who intend to cast a ballot using the mail should ensure, whenever possible, that their registration information is up-to-date in time to have a blank ballot sent to them in the state's initial scheduled mailing.
- Mailing blank ballots to voters: In mailing blank ballots to voters, whether in response to a ballot request or as part of a larger mailing to eligible voters, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.
- Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require ballots to be returned by Election Day, this means voters should mail their ballot at least one week before Election Day. In states that allow mail-in ballots to be counted if they are both postmarked by Election Day and received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. In states that require mail-in ballots to be both postmarked by Election Day and received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities. Ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

While these recommendations broadly apply to nearly all voting regimes that allow ballots to be transmitted to and from voters, we understand that jurisdictions may have unique requirements or procedures that allay some of our concerns.

Again, the purpose of these letters was not to definitively interpret state law, but to alert state election officials of a potential mismatch between state mail-in deadlines and our delivery standards, and to ask election officials to keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

Finally, the Postal Service does not postmark or cancel every piece of mail in our system in the normal course of operations, since the primary purpose of cancellation is to ensure that postage cannot be reused, and some categories of postage is pre-cancelled before it enters the mail stream. While it is Postal Service policy to try to ensure that every ballot receives a postmark and we instruct our employees throughout the country to adhere to that practice in recognition of the importance that the election laws in some states place on postmarks, such practice deviates from normal procedures, and therefore we acknowledge that circumstances can arise that prevent ballots from receiving a legible postmark. As such, we advise elections officials that use of automation-compatible, letter sized envelopes increases the operational likelihood that a mailpiece will receive a legible postmark.

The Postal Service remains fully committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. The Postal Service also remains fully committed to delivering Election Mail in a timely manner, consistent with our delivery standards. In this regard, we have ample capacity to handle the increased volume of Election Mail that will occur because of the pandemic.

But, to the extent that states choose to use the mail as part of their elections, they should do so in a manner that realistically reflects how the mail works. For the mail to be successfully used as part of an election, state and local election officials must understand and take into account our operational standards and recommended timelines. We will continue to provide outreach so that election officials have the information they need to make informed decisions and educate their voters accurately about what they can expect from the Postal Service.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas J. Marshall

Enclosure

cc: The Honorable Nancy Pelosi, Speaker of the House

hushell

The Honorable Mitch McConnell, Senate Majority Leader

The Honorable Kevin McCarty, House Minority Leader

The Honorable Charles Schumer, Senate Minority Leader

The Honorable James Comer, Ranking Member, House Committee on Oversight and Reform

The Honorable Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Gary Peters, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Roy Blunt, Chairman, Senate Committee on Rules and Administration

The Honorable Amy Klobuchar, Ranking Member, Senate Committee on Rules and

Administration

The Honorable Zoe Lofgren, Chairwoman, House Committee on Administration

The Honorable Rodney Davis, Ranking Member House Committee on Administration

Mark Meadows, White House Chief of Staff

#### 

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



August 11, 2020

The Honorable Carolyn B. Maloney Chairwoman Committee on Oversight and Reform House of Representatives Washington, DC 20515-6143

Dear Chairwoman Maloney:

This is in response to your August 6 letter to Postmaster General Louis DeJoy, which was cosigned by several of your colleagues, regarding U.S. Postal Service operations.

As discussed in my July 22, 2020 response to you, Subcommittee on Government Operations Chairman Connolly, Subcommittee on National Security Chairman Lynch, and Congresswoman Lawrence, the documents repeatedly relied upon by members of Congress and the media regarding recent operational changes did not originate from Postal Service Headquarters and were not prepared by Postmaster General DeJoy. You raise concerns regarding the rhetoric in these documents, but as I also explained in the July 22 response, these documents should not be treated as official statements of Postal Service policy.

That said, my July 22 response also made clear that the Postal Service is "taking immediate steps to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards." I also provided some details concerning those immediate steps, and explained why they were within the authority of the Postmaster General and did not require Board of Governors or regulatory approval. In addition, although you correctly note in your recent letter that I did not specifically mention the new Expedited to Street/Afternoon Sortation (ESAS) initiative in my response, my letter was intended to discuss our efforts generally, and that pilot initiative was not even started by the Postal Service until July 25, 2020, three days after my letter.

Furthermore, while not addressed in your August 6 letter, on August 4, 2020, Chief Logistics and Processing Operations Officer and Executive Vice President David E. Williams briefed the Committee on Oversight and Reform staff with more detail regarding these "immediate steps," including the ESAS pilot. I participated in this briefing as well, along with Chief Financial Officer and Executive Vice President, Joseph Corbett and Finance and Strategy Senior Vice President Luke Grossmann. We spoke with the staff for approximately one and a half hours, explaining the steps being taken and the rationale for those steps.

475 L'ENFANT PLAZA SW
WASHINGTON DC 20260-1100
PHONE: 202-268-5555
FAX: 202-268-6981
THOMAS.J.MARSHALL@USPS.GOV
WWW.USPS.COM

The Postal Service is in a financially unsustainable position, stemming from substantial declines in mail volume, and a statutorily imposed business model that is broken. We are currently unable to balance our costs with available funding sources to fulfill both our universal service mission and other legal obligations. Because of this, the Postal Service has experienced over a decade of financial losses, with no end in sight, and we face an impending liquidity crisis.

As we have repeatedly stated, Congress and the Postal Regulatory Commission must enact legislative and regulatory reforms to help address the situation. At the same time, it is imperative for the Postal Service to operate efficiently and effectively, while continuing to provide service that achieves our universal service mission and meets the needs of our customers. We recognize that there are alternatives to every product that we offer, and for that reason high-quality, reasonably-priced service is an imperative. It is equally important to note that high-quality service and efficient service are not mutually exclusive, but in fact necessarily go hand-in-hand if we are to be self-sustaining as required by law. Indeed, achieving both is the only way that the Postal Service can continue to survive as a self-funded entity and to provide prompt, reliable, and reasonably-priced universal postal services for all Americans over the long-term.

As such, we are vigorously focusing on the efficiency of our operations as a fundamental strategy to enable the provision of high-quality service in a financially sustainable manner. As explained in the July 22 letter and during the August 4 briefing, we have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. By running our operations on time and on schedule, we will enhance our ability to be sustainable and to be able to continue to provide high-quality, affordable service. Of course, we acknowledge that temporary service impacts can occur as we redouble our efforts to conform to the current operating plans, but any such impacts will be monitored and temporary as the root causes of any issues are addressed and corrected. However, our long-term viability depends on us taking the transformative steps necessary to provide quality service in an even more efficient manner. But you can rest assured that we will continually review our operational practices and make adjustments as required to ensure that we operate in an efficient and effective manner.

More specifically, and as discussed with the Committee on Oversight and Reform staff on August 4, in our efforts to reemphasize our existing operational plans, we are focused on improving our transportation efficiency. This means working to eliminate extra and late trips. The need to dispatch an extra truck or to hold a truck only arises when the mail being carried by those extra or late trips is off schedule in the first place. Therefore, a more disciplined transportation schedule exposes other areas in our system where adjustments or corrections are needed to keep the operational plan on schedule. In addition to an emphasis on eliminating extra and late trips, we are reducing unnecessary miles and more fully utilizing capacity. Given persistent volume declines, such efforts are necessary to ensure that trucks are not traveling long distances with limited volume onboard.

In addition to transportation efforts, we are also focused on maximizing the efficiency of our processing and sortation equipment. Similar to truck capacity, the time and cost associated with running a machine grows significantly less efficient with less volume on the machine. By adhering to planned start and stop times, and running sort plans based on current volumes, we can maximize the efficiency of our processing operations and ensure that the mail departs from our plants on time. In some instances, we may be able to shift or remove equipment as appropriate. These efficiency efforts also permit further alignment of employee schedules with operating plans and prevent the negative downstream impacts to our operations when the mail leaves our plants late.

Decreases in volume and improvements in automation also result in less need for carriers to manually sort mail. On July 25, 2020, we started the ESAS pilot in 384 Post Offices across the country. The pilot decreases carrier time in the office in the mornings and ensures that our letter carriers start their routes on schedule. ESAS is designed to improve consistency in delivery times, increase carrier efficiency, ensure that there are no downstream effects as the result of our carriers arriving back to their Post Offices late, and reduce cost. Parcels, small parcels and rolls (how medicines are often sent), First-Class flats, election mail, Social Security and other benefit checks, and local newspapers will continue to be sorted in the morning and will not be impacted by the pilot. A small volume of mail not compatible with automation and some Marketing Mail that could not be sorted before the carriers leave the Post Offices will be sorted in the afternoon after carriers return from delivery. At the conclusion of the test, the Postal Service will evaluate any impact to customer service and operational efficiency. If the test is deemed successful, the Postal Service will take any necessary legal and regulatory steps prior to national expansion. Please find attached a presentation discussing the pilot.

Contrary to media accounts and other accusations, there have been no edicts to delay the mail or eliminate overtime, although we are reemphasizing that operational managers must ensure that overtime is earned as the result of unexpected volume or other factors, pursuant to our normal overtime analysis, before it is approved. As indicated by the above efforts, we are working towards meeting our current operational plans in a manner that improves efficiency and service, and does not slow down the mail. Closely following the operating plan should also decrease unnecessary overtime, as will reinforcement of the processes for approving overtime and aligning hours with workload to reduce unauthorized overtime.

We trust that you will find that the above information is consistent with the information shared with the Committee on Oversight and Reform staff at the August 4, 2020 briefing, and we will work to keep our oversight committees informed as decisions are made on other significant efforts. In that regard, we are in the process of scheduling a staff level briefing to discuss the organizational changes which we made on Friday to our management structure to realign our business and provide focus and clarity. Finally, Postmaster DeJoy looks forward to participating in the Committee on Oversight and Reform hearing scheduled for September 17 to further discuss these operational efforts, which are all designed to return the Postal Service to a financially sustainable path while providing efficient service to our customers that meets their needs.

I hope this provides additional clarification and I appreciate your ongoing interest in the Postal Service. If I can be of assistance in other postal matters, please let me know.

Sincerely.

Thomas J. Marshall

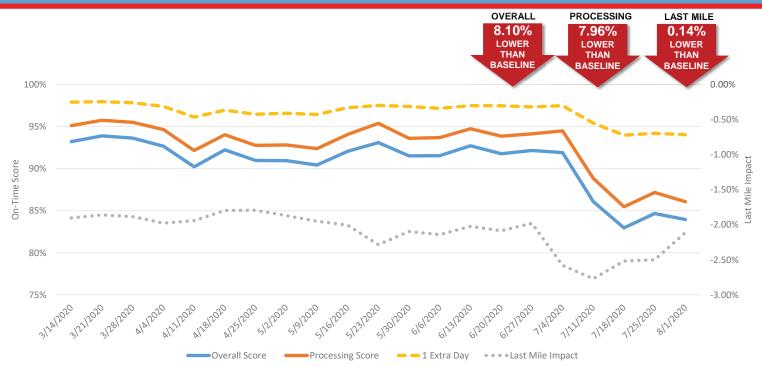
Marshell

Enclosure





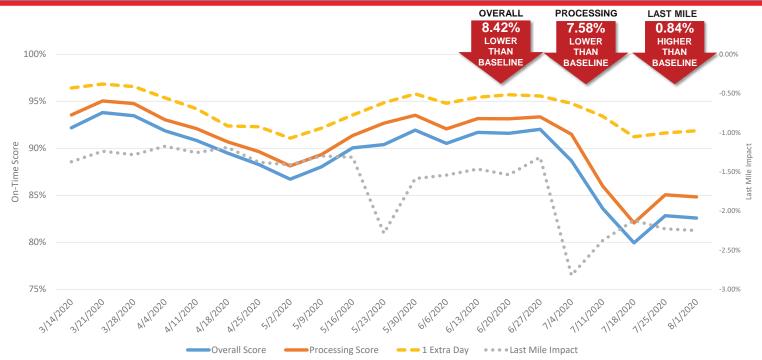
### Presort First-Class Mail Score Breakdown – Processing vs Last Mile



Last Mile through represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the destination plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.



### USPS Marketing Mail Score Breakdown – Processing vs Last Mile

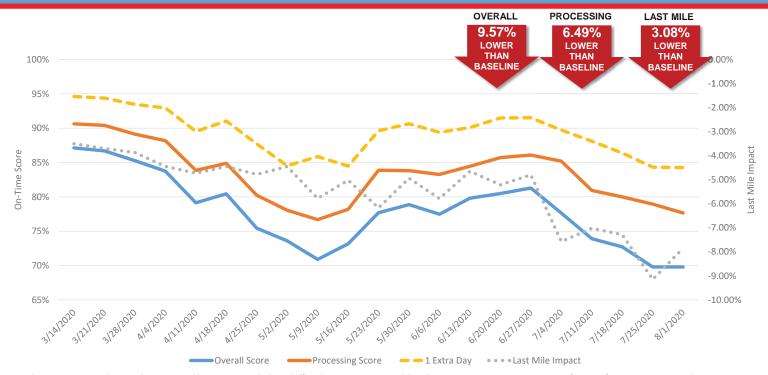


Last Mile Impact represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the derivary plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.

Does not include Saturation and EDDM.



### Periodicals Score Breakdown – Processing vs Last Mile



Last Miletraps represents the score decrease caused by time spent in the last mile (from last processing scan to delivery); Processing score represents service performance from USPS possession to last processing scan at the destination plant measured against the service expectation; Overall score represents service performance from USPS possession to delivery (i.e. it includes the last mile) measured against the service expectation; 26

1 Extra Day represents the overall score if the mailpiece had 1 extra day to meet service expectations; Scores are NOT weighted and will NOT match the official scores in slide 3 which are weighted.



AREAS INSPIRING MAIL



## **Service Review**



AREAS INSPIRING MAIL



## First-Class Letters / Flats Composite



AREAS INSPIRING MAIL



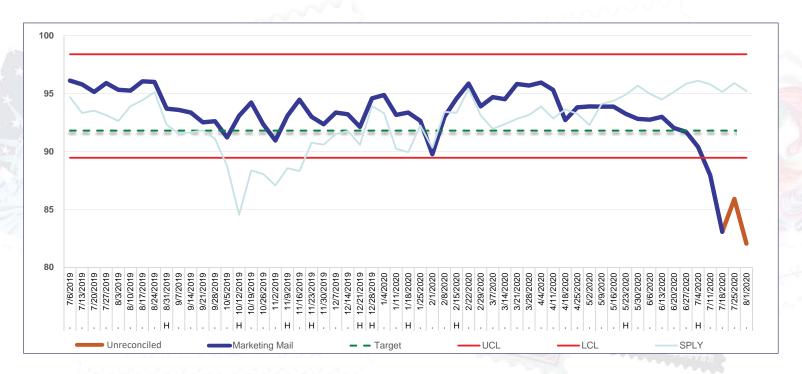
## First-Class Letters / Flats Composite



AREAS INSPIRING MAIL



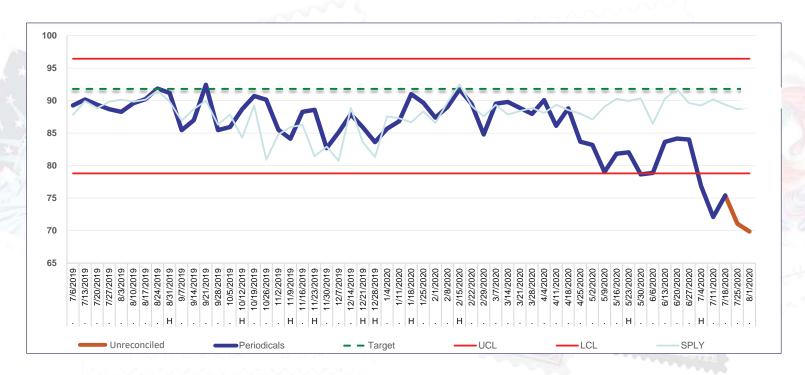
## **Marketing Mail**



AREAS INSPIRING MAIL



## **Periodicals**



AREAS INSPIRING MAIL



August 13, 2020



Bob Schimek

Quad Director of Postal Affairs

AREAS INSPIRING MAIL





Thursday August 13, 2020





## **Customers Value Connection Now More Than Ever**

**37**%

Shoppers are **more excited** to receive their
mail each day than before
the pandemic.<sup>1</sup>

46%

Shoppers are now more interested in deals, coupons or promotions.<sup>1</sup>

30%

Spending more time reading marketing or promotions that arrive in their home mailbox.<sup>1</sup>



Consumer Behaviors in a COVID-19 World

Retail Touchpoints: Based on Valassis survey of 1,000 consumers during week of April 27, 2020.
 Exhibit 12



## **Census Update**

34

## A Complete and Accurate Count of the Population and Housing





## **Election Mail Update**

How is the USPS preparing stakeholders?

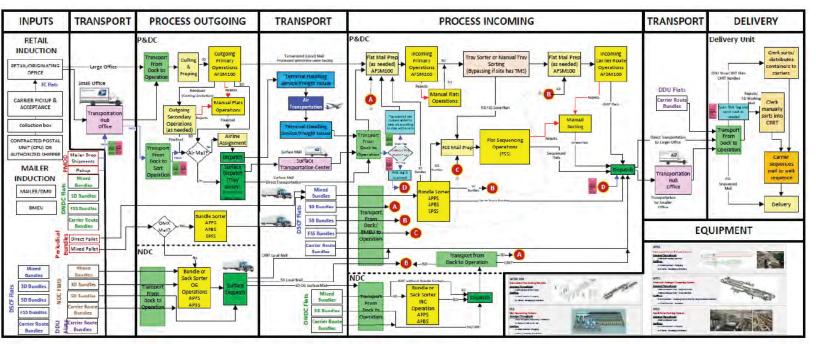
### Outreach

- Outreach meetings with Secretaries of State, Election Officials
- Mass mailings Kit 600, Guidance Letter, MSPs/printers
- · Meetings with printers, mail service providers
- Outreach with political parties
- Engagement with media partners
- Planned redesign of Election Mail website on usps.com



### Flats Process Map

36





## **MTAC Ops and Enterprise Analytics Focus Group Session Highlights**



- 1. Delivery: Prep for Peak
- 2. CASS Cycle O
- 3. Tobacco and Vaping



## MTAC Mail Entry & Payment Technology Focus Group Session Highlights



- 1. Enterprise Payment System
- 2. Seamless
- 3. Business Customer Gateway
- 4. Hold Mail Policy







- 1. Mailpiece Indicia Design Updates
- 2. Postcard Dimensions 6 x 9
- 3. Promotions



## **MTAC Task Team Closeouts**





### Mission Accomplished!

#### Task Team #28: Business Mailer Security & Privacy Priorities

• Heather Dyer, Bill Jones and Paula Stoskopf

#### Task Team #29: CASS Cycle O

• Starlene Blackwood, Adam Collinson, Liz Flake and Sharon Harrison

#### Task Team #30: Seamless Flats Process

Mark Kolb and Randy Workman

#### Task Team #31: Incident Communications Hot Wash

Tom Glassman and Dale Kennedy



## **Growing Membership**



- MTAC is growing
  - mtac@usps.gov
  - https://postalpro.usps.com/mtac
- PCC's need you
  - pcc@usps.gov
  - https://postalpro.usps.gov/pcc
- ❖ NPF 2021 is May 2 May 5





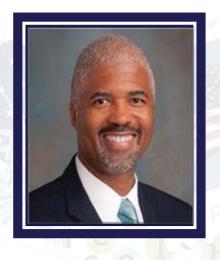
## **For More Information**

## USPS® **POSTALPRO**™

## https://postalpro.usps.com/mtac



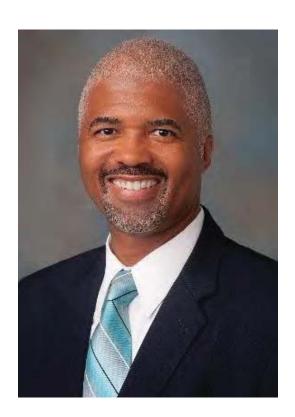
August 13, 2020



## **Donald Nichols**

USPS Headquarters National Lead
Political and Mailing Services

AREAS Exhibit 12 RING MAIL



## **DONALD R. NICHOLS**National Lead, Political & Mailing Services

Donald Nichols is the National Lead for U.S. Postal Service
 Political and Mailing Services. Donald mobilizes a national team of
 specialists who consult and support political campaigns, campaign
 strategists and political alliance mailing partners. He manages
 USPS strategic sponsorships with political associations, including
 the development of leading edge thought leadership. He also
 coordinates marketing and sales efforts to support the use of all
 mailing products.

## | THE | LANDSCAPE

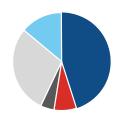
### **HAWAII VOTERS**

#### **Party Affiliation**



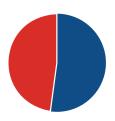


#### Age Range Based on Birth Year



#### Gender





#### **Broad Ethnic Groupings**

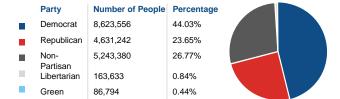
| Ethnic Grouping            | Number of People | Percentage |  |
|----------------------------|------------------|------------|--|
| European                   | 247,271          | 36.41%     |  |
| Likely African-American    | 1,329            | 0.20%      |  |
| Unknown                    | 91,953           | 13.54%     |  |
| Hispanic and<br>Portuguese | 91,658           | 13.50%     |  |
| Other                      | 54,659           | 8.05%      |  |
| East and South Asian       | 192,277          | 28.31%     |  |

Data Source:



### **CALIFORNIA VOTERS**

#### **Party Affiliation**

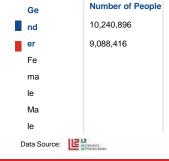


#### Age Range Based on Birth Year

| Age Range   | Number of People | Percentage |
|-------------|------------------|------------|
| 50 - 69     | 6,373,550        | 32.54%     |
| 30 - 39     | 3,337,062        | 17.04%     |
| 18 - 29     | 3,873,167        | 19.78%     |
| 70 and over | 3,037,184        | 15.51%     |
| 40 - 49     | 2,949,090        | 15.06%     |
| Unknown     | 14,412           | 0.07%      |
|             |                  |            |



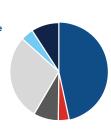
#### Gender





#### **Broad Ethnic Groupings**

| Ethnic Grouping            | Number of People | Percentage |
|----------------------------|------------------|------------|
| European                   | 9,102,114        | 46.48%     |
| Likely African-American    | 724,249          | 3.70%      |
| Unknown                    | 1,610,796        | 8.22%      |
| Hispanic and<br>Portuguese | 5,536,901        | 28.27%     |
| Other                      | 819,896          | 4.19%      |
| East and South Asian       | 1,790,509        | 9.14%      |





### **OVERALL VOTER TURNOUT**

#### Gender

| Gender | 2018 | Percent<br>Increase<br>from 2014 |
|--------|------|----------------------------------|
| Men    | 51.8 | 10.9+                            |
| Women  | 55   | 12+                              |

## **Broad Ethnic Groupings**

| Broad<br>Ethnic<br>Groupings | 2018 | Percent<br>Increase<br>from 2014 |
|------------------------------|------|----------------------------------|
| African American             | 51.4 | 10.8+                            |
| White                        | 57.5 | 11.7+                            |
| Hispanic                     | 40.4 | 13.4+                            |
| Asian                        | 40.2 | 13.3+                            |

## Age-Range Based on Birth Year

| Age   | 2018 | Percent<br>Increase<br>from 2014 |
|-------|------|----------------------------------|
| 18-29 | 35.6 | 15.7+                            |
| 30-44 | 48.8 | 13.2+                            |
| 45-64 | 59.5 | 9.9+                             |
| 65+   | 66.1 | 6.7+                             |

### **VOTE-BY-MAIL POLICY BY STATE**

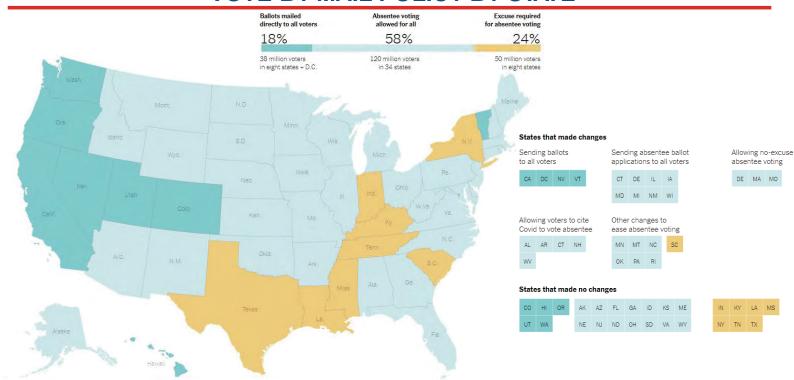


Exhibit 12

Data Source: The New York Times



## Election Mail Delivery Standards



- ✓ First-Class Mail for all Outgoing Election Mail Ballots
  - USPS Marketing Mail is subject to existing delivery standards outlined below
  - Election Mail sent as Marketing Mail is not upgraded to First Class service
- ✓ Provide advance notification of Election Mailings over 25,000 pieces

| Class of Mail                 | Speed of Service* | Free Forwarding and Return | Secure Destruction | Extra Services   | Presort Discounts | Single Piece | IMb |
|-------------------------------|-------------------|----------------------------|--------------------|------------------|-------------------|--------------|-----|
| First-Class Mail              | 2–5 days          | Yes                        | Yes                | Yes              | Yes               | Yes          | Yes |
| USPS Marketing Mail           | 3-10 days         | No                         | No                 | Only for Parcels | Yes               | No           | Yes |
| Nonprofit USPS Marketing Mail | 3-10 days         | No                         | No                 | Only for Parcels | Yes               | No           | Yes |



## Election Mail – USPS Recommendations



### **USPS Recommendations for Election Mail Ballots**

- ✓ Utilize Intelligent Mail Barcode (IMb)
- ✓ Submit Outgoing and Return Election Mail Ballot Envelope Samples to Mailpiece Design Analysts for Review
- ✓ Identify Election Mail in Electronic Documentation (eDOC)
- ✓ Apply Tag 191 On Official Election Mail

Exhibit 12

Ŝ



## Mailing & Shipping Solutions Center (MSSC)

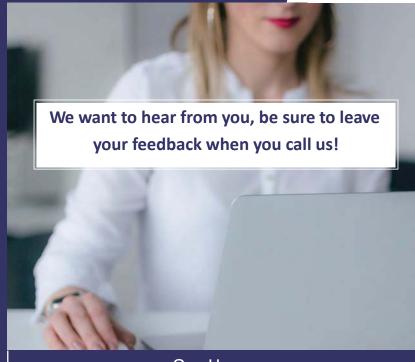


Our Mailing & Shipping Solutions Center is available.

We leverage modern technology to automate permit creation, redesign the Business Customer Gateway (BCG), and create a comprehensive knowledge base on PostalPro.

We want to make your life easier and save you time.

We're looking at አሁልሃኑ/to help you Phonærւմ አዛር የተመመውን <mark>የመ</mark>ለማail: <u>MSSC@usps.gov</u>



Our Hours: 7:00AM – 7:00PM Central Time



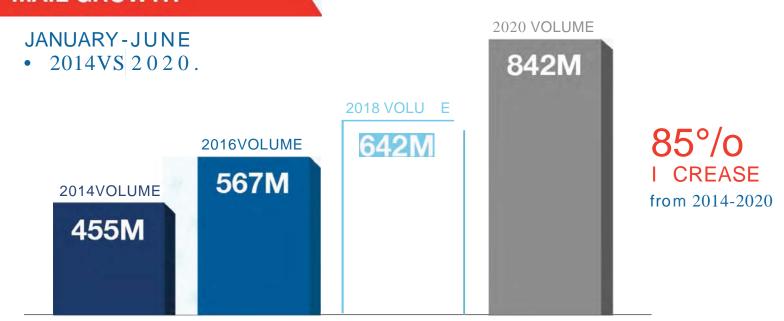


- ✓ Consult with the Mailing & Shipping Solutions Center
  - ❖ Mailing Requirements Account Creation
  - Mailpiece Design Analyst Design/Artwork Review
  - Leverage Electronic Documentation (eDOC) and Intelligent Mail Barcodes (IMb)on Outgoing & Return Election Ballots
- ✓ Collaborate with USPS Local Operations on all Election Mail
  - Advance Notification of large Election Mailings
- √ Voter Awareness & Education on recommended timelines to request and return mail-in ballots
- ✓ Board of Election Awareness & Education of USPS recommended timelines based on USPS Delivery Standards

Exhibit 12

-

## POLITICAL & ELECTION MAIL GROWTH





USPS Interna Data

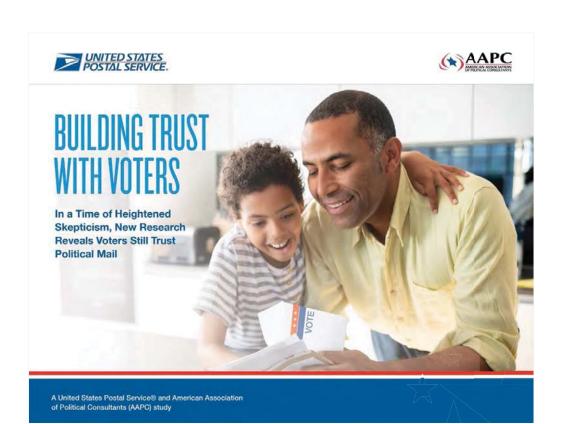
## | VOTER | INSIGHTS

## **THOUGHT LEADERSHIP**

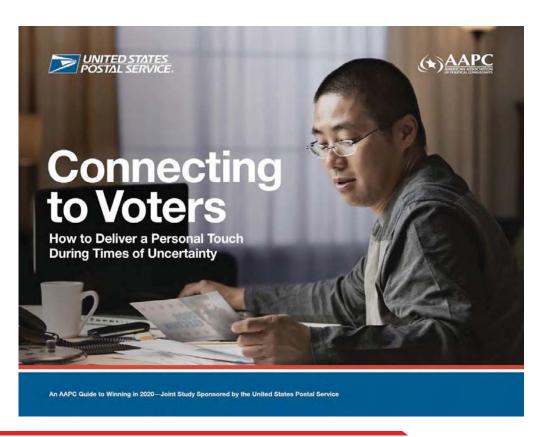




## 2019 VOTER SURVEY



## 2020 ELECTION GUIDE



YOUNGER VOTER SURVEY



## What's New In 2020



# | CAMPAIGN | ORCHESTRATION

# Success in 2020



Candidate to the Voter at Home

Exhibit 12

Establish Trust with Voters Throughout the Campaign Leverage the Media Mix to Inform & Influence Voter Decisions

Spark Voters to Cast Their Ballots



# Introduce the Candidate to the Voter at Home







### USE MAIL EARLY

Direct mail can grab a voter's attention and offer deep and memorable information, which makes it an effective way to introduce a candidate early in the campaign.



Direct mail, television, radio, digital, and phone banking will replace campaign tactics that don't comply with public health or new social norms this campaign cycle.

### VOTERS AT HOME



2-in-3
Americans don't feel comfortable going to a polling place<sup>2</sup>



# Establish Trust with Voters Throughout the Campaign







## DEVELOP VOTER TRUST WITH MAIL

Direct mail is one of the most trusted channels by voters. Mail enables campaigns to back up what they say by citing facts and being transparent with sources.



## USE MAIL TO EFFECTIVELY CRITIQUE OPPONENTS

Direct mail is a highly effective way to illustrate the differences between candidates. It's highly targeted and powerfully visual, so you can offer a unique contrast between messages depending on the voter universe.



## TARGET VOTERS WITH DIRECT MAIL

Voter targeting has really evolved, having become increasingly data and model driven, and direct mail can now be used with precisely tailored messaging to specific voter demographics.



# Leverage the Media Mix to Inform & Influence Voter Decisions







# VOTERS MAKE UP THEIR MINDS EARLY

Campaigns should consider reaching out to voters earlier because they are increasingly determining who to support months before Election Day. Direct mail can be effectively used to introduce a candidate or issue in a thoughtful, in-depth way.



# TRACK YOUR MAIL PIECES IN REAL-TIME

The Postal Service's Informed Visibility ®Service brings near real-time tracking data to deliveries of direct mail pieces. So Campaigns can use the service to execute phased communications -knowing that the mail piece has arrived enables you to then contact voters through other channels to reinforce the messaging.



# DIGITALLY INTEGRATE YOUR MAIL PROGRAM

The Postal Service's Informed Delivery® Service is the email notification service that allows residents to digitally preview incoming direct mail and packages scheduled to arrive soon. It offers campaigns the opportunity to engage voters through synchronized direct mail and digital marketing-voters can see the mail piece that has arrived at their house, and then click on the link to a campaign or donation web page.



# 4 \* Spark Voters to Cast Their Ballots







#### START EARLY

If absentee ballots play an expanded role in the election, campaigns should start contacting voters in the months before the election to ensure they understand the options to cast their ballot. This may mean state and local campaigns should not wait for national campaigns to start educating voters on their voting options.



### **GET THE DETAILS RIGHT**

Explain the mechanics of absentee voting, such as how to return absentee ballot requests. It varies by state, but some campaigns plan to send supporters pre-paid envelopes for absentee ballot request forms and voter registration forms.



#### START WRITING **GOTV CONTENT NOW**

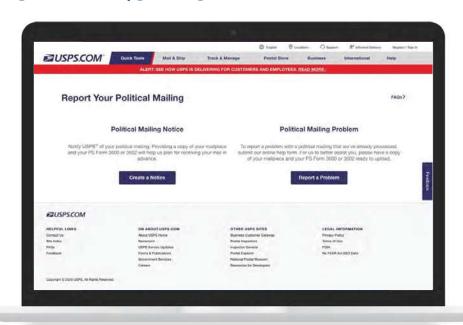
Volunteers who are engaged months before an election may be looking for ways to contribute early. Utilize them now to prepare handwritten GOTV postcards that can be mailed in the final weeks before Election Day to voters who may need an extra push to get to the polls.



### **USE SHARE MAIL® SERVICE**

For voter registration and vote by-mail. Share Mail®service is a customized direct mail product that works like a word of-mouth marketing tactic. It enables campaigns to pre-pay for postage and then track usage -the invoice comes at the end of the month and the campaign only pays return postage for mail pieces that are sent.42

### **MAIL NOTICES AND INQUIRIES**



https://tools.usps.com/political-mail.htm

# **DELIVER THE WIN® WEBSITE**



deliverthewin.com

Exhibit 12

# QUESTIONS?



### LINKS:

- https://tools.usps.com/political-mail.htm
- https://informeddelivery.usps.com/box/pages/intro/start.action
- https://www.uspsdelivers.com/track-your-direct-mail-with-informed-visibility/
- https://faq.usps.com/s/article/USPS-Share-Mail-The-Basics
- https://www.deliverthewin.com/





AREAS Exhibit 12 RING MAIL

7

250 + ELECTIONS
RAN ACROSS ALL COUNTIES & CITIES

50 MILLION + BALLOTS TRACKED 28 MILLION +
REGISTERED VOTERS IN OUR PLATFORM

# Track Your Ballot at wheresmyballot.sos.ca.gov



BallotTrax tracks mail ballots and absentee ballots through the postal stream and proactively pushes status notifications and reminders to voters, thus increasing election visibility, turn-out and vendor accountability. Bring voter confidence back to the democratic process with this proprietary, patent-pending solution, proven effective for over 10 years of extensive election testing.

### **Voter Alert Features**

- \* Mail Ballot Status
- \* Election Reminders
- \* Cure Notices
- \* Drop Box Locations
- ★ Customizable Email / Text / Voice
- **★** Multiple Languages
- ★ Year-Round Citizen Communications

For more information visit wheresmyballot.sos.ca.gov or ballottrax.com

Exhibit 12

